

US EPA RECORDS CENTER REGION 5



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WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

February 17, 1971

ADDRESS REPLY TO:

John C. Parkhurst
SPECIAL ASSISTANT ATTORNEY GENERAL

1307 First National Bank

Peoria,
ILLINOIS.

Mr. Charles Clarke
Illinois Environmental
Protection Agency
2200 W. Jefferson
Springfield, Illinois

Re: Janson Dump case
Peoria, Illinois

Dear Mr. Clarke:

I am extremely happy to report that the much-continued case we filed against Charles Janson, the operator of an open dump in Peoria County, Illinois, has successfully culminated. The trial, which was set for yesterday, never began, because a Stipulation and Order was entered after a long conference and negotiation session with the attorneys present before Judge Pucci, who was to conduct the trial. I believe that the resultant Order approving and ordering the enforcement of the terms of the Stipulation, was a great victory for the People, and represents a significant co-operative effort by the Attorney General's office and the Environmental Protection Agency.

I am enclosing copies of both the Stipulation and Order for your file. You will note that the dump is closed, will remain closed until a new and approved site, surrounded by a sufficient earthen wall, is constructed, and the process of restoring, compacting, filling and covering the open dump will be undertaken immediately, under the direction, supervision and control of Mr. Keith Weeber. Any failure on the part of Mr. Janson to comply with the plan of restoration to be proposed and supervised by Mr. Weeber, will be immediately subject to the severest penalties possible, including the assessment of a fine sufficient to pay someone else to do the

Copied

Mr. Charles Clarke
February 17, 1971

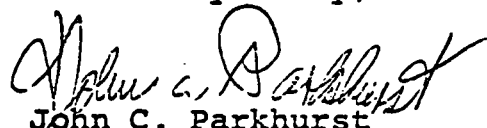
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job, and, if the fine is not paid, a certain jail sentence for Mr. Janson. All of this, you will note, is self-executing, and the enforcement of the provisions of the Stipulation will not require any further hearings, trials, notices or appeals. In short, the parties have agreed to let Mr. Weeber be their judge and jury in this case, and his recommendations and findings will be binding on both parties, and backed up by the full power of the Court.

I am sure that Mr. Weeber found himself in a new and not altogether desirable position as a result of our Stipulation. He was acceptable as the final arbiter, both to Mr. Janson and to us, and I am sure he will carry out his additional responsibilities in this matter conscientiously and well. As a matter of fact, Judge Pucci insisted upon the selection of such a person, who would have full authority to represent the Court in carrying out the provisions of the settlement, much like a Master in Chancery use to do. And so, although Mr. Weeber didn't ask for it, he was drafted for the job!

I would like to commend the other members of the E.P.A. staff in Peoria who have worked long and imaginatively in the job of closing down the Montgomery and Janson dumps. We have had excellent cooperation and co-ordination throughout this experience. I hope we have a similar working arrangement in the future, and I am sure we will.

Yours very truly,



John C. Parkhurst
Assistant Attorney General

JCP:tm

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FEB 22 1971
U.S. DEPT. OF JUSTICE
WASHINGTON, D.C.



GENERAL ASSEMBLY
STATE OF ILLINOIS

FEBRUARY 12, 1971

PERIOD CO. SUPP
LIMESTONE TWP / JANSSEN

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT
222 SOUTH COLLEGE STREET
SPRINGFIELD, ILLINOIS 62706

ATTENTION: MR. GARY BRASHEAR

GENTLEMEN:

FOR SOMETIME NOW WE HAVE HAD A SERIOUS PROBLEM OF DUMPING
ALONG THE CREEK ROAD NEAR THE VILLAGE OF BARTONVILLE, AND
IT SEEMS THAT IN THE LAST SITUATION, OUR LOCAL JUDGE
TOOK THE SIDE OF THE OPERATOR OF THIS DUMP AND PROVIDED
A NEW DATE FOR A NEW HEARING. WHEN THE HEARING WAS TO
TAKE PLACE THE JUDGE DIDN'T SHOW UP, WHICH PERMITTED THE
DUMP OPERATORS TO CONTINUE TO OPERATE AND DUMP AS THEY
HAVE IN THE PAST. WHY CAN'T WE TAKE DEFINITE STATE
ACTION IN THESE CASES OR DO WE NEED SOME OTHER CHANGES
IN THE ENVIRONMENTAL LAWS TO COVER SUCH CIRCUMSTANCES.

THESE PEOPLE ARE FLAUNTING OUR NEW LAW IN OUR FACES AND
IT IS APPARENT THAT WE MUST HAVE OVERLOOKED THE PROPER
WORDING IN CREATING THIS LEGISLATION. IF THIS IS THE
CASE, WOULD YOU PLEASE ADVISE ME OF THE PROBLEM AS I
WOULD LIKE TO INTRODUCE LEGISLATION TO CORRECT, IF
POSSIBLE, THIS PART OF THE LAW.

SINCERELY,

WILBUR H. LAUTERBACH
STATE REPRESENTATIVE-46TH DISTRICT

THREE HOLLY-LAUTERDALE
BARTONVILLE, ILLINOIS 61607

WHL/JMZ

P. S.

I AM ATTACHING A LETTER THAT I JUST RECEIVED REGARDING THIS
MATTER.